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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Title: System for Marketing Goods and  
Services Utilizing Computerized  
Central and Remote Facilities

Inventor: Stephen C. Wren  
Serial No.: 08/650,834  
Filed: May 20, 1996

Art Unit 3625  
Mr. James Zurita  
Examiner

**FOURTH SUBSTITUTE APPEAL BRIEF**

In response to a telephone interview with the Examiner on November 22, 2006, Applicant presents the following substitute appeal brief. All corrections have been made in accordance with Examiner's instructions and the appropriate sections of the MPEP; including 1205.02.

**(1) Real Party in Interest**

The real party in interest herein is Variant Holdings LLC, a Nevis corporation, to which Mr. Wren, the sole inventor, assigned his rights.

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**(2) Related Appeals and Interferences**

This case is copending with serial number 09/504,374, filed February 15, 2000 -now on appeal.

There are no other prior or pending appeals, interferences or judicial proceedings to which

Variant Holdings LLC or Mr. Wren is presently a party.

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**(3) Status of Claims**

The claims on appeal in this application are 30-36, 38-45, 47-54, 57-64, and 67-143, which have been reproduced in part 8. All stand rejected. Claims 117-120 are Non-elected under 35 USC 121. Claims 1-29, 37, 46, 55-56, and 65-66 are cancelled.

**(4) Status of Amendments**

This appeal is taken from the final rejection. An amendment filed by Applicant after the final rejection on October 17, 2005 "to correct grammar, and spelling, and to provide a clear antecedent basis with consistent structure and terminology" was not entered.

### **(5) Summary Of Claimed Subject Matter**

A concise explanation for each independent claim on appeal, followed by support for each independent, means, and dependent claim argued separately is as follows.

#### **Explanation**

Claim 30 relates to an apparatus to sell or market goods or services over a network of remote and central computers where one or more central computers allow a customer to select and contact another central computer.

Claim 44 relates to an apparatus to sell or market goods or services comprising a first central facility providing product information which enables a customer to select and contact another central facility having other product information.

Claim 59 relates to a method for transacting goods or services between a customer at a remote location and providers of such wherein a database of a first provider is used to direct the customer to a second provider.

Claim 70 relates to an apparatus to market goods or services comprising a first central facility that enables a customer at a remote facility to select and contact another central facility wherein the first central facility provides two simultaneous communications with the remote facility.

Claim 82 relates to an apparatus for providing information relating to goods and services comprising a first central facility of a first provider linked to a plurality of other central facilities of at least one other provider and to a remote facility, where the remote facility can access the other central facilities and where one of the central facilities enables the customer to select and contact another central facility.

Claim 87 relates to an apparatus for marketing goods and services where a central facility providing product information is accessible to a customer through information provided by another central facility.

Claim 88 relates to an apparatus to market goods or services over an electronic network comprising a central facility of a first provider linked to a central facility of a second provider and to a remote facility of a customer wherein the first central facility directs the customer to the second central facility.

Claim 89 relates to a first computerized central communications facility linked to a plurality of other computerized central communications facilities wherein the first central facility directs a customer at a computerized remote communications facility to a central facility in competition with one of the other central facilities.

Claim 90 relates to a first computerized central communications facility linked to a plurality of other central facilities where at least one central facility provides information on goods and services in competition with the first and where the first provides information on good and services to a customer at a remote facility.

Claim 108 relates to a marketing apparatus for use with a distant communications apparatus including a data record and digital image of a good for sale transmitted to the marketing apparatus and providing access to that information by a customer enabling customer to execute a transaction and tender payment.

Claim 115 relates to an apparatus to market and/or sell goods or services over an electronic network comprising a first central facility linked to a remote facility and other central facilities, each central facility containing a database accessible by a customer at the remote facility, where at least one central facility provides the customer information regarding rentals.

Claim 123 relates to a method for using software in a computer network of remote and central facilities where the remote facility uses browsing software and downloaded application software to download and present transmitted hypermedia documents.

Claim 130 relates to a method for enabling a remote user to preview a portion of a pre recorded entertainment product over a network from a computerized central communications facility.

Claim 138 relates to an apparatus for marketing goods and/or services comprising a central facility providing product information to a plurality of remote facilities. The central facility provides auctioning services receiving bids from customers.

Claim 140 relates to an apparatus to market and/or sell goods or services over an electronic network comprising a first computerized central communications facility linked to a remote facility and to a plurality of other central facilities, where at least one of the central facilities is adapted to provide a customer at the remote facility information regarding entertainment rentals.

### Support

Support for each of the claims on appeal can be found in Applicant's parent application 08/268,309 filed June 29, 1994 (incorporated in instant application by reference). To facilitate following this support the below Table is presented:<sup>1</sup>

Claim	Support in the '309 Application	Support in the Instant Application
30. An apparatus to market and sell goods or services over an electronic network comprising:	The specification at page 1, lines 10-17 (1:10-17) discloses: "The present invention generally relates to . . . system and method for facilitating transactions. . . ."; the specification at page 8 lines 1-4 discloses: "The method by which the transactions are facilitated reduces the costs associated with creating, marketing, administering, and selling these products and services..."	Page 1, line 14  Page 25, line 19
a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities,	The specification at page 5, lines 8-10 discloses: "... whereas the present invention would with central storage permit each remote facility or location to communicate with an array of central facilities..."; the specification at page 6, line 31 – page 7 line 3 discloses: "For auction houses a number of the remote locations may be concurrently linked with one or more central facilities..."; the specification at page 7 lines 30-35 discloses: "The customer is to communicate with central facilities or locations comprising banks, ... or in general any location from which a customer might wish assistance; the specification at page 9 line 33 – page 10 line 7 discloses: "... upon pressing or utilizing the touch screen, keyboard or input device the customer may activate the system causing it to retrieve from a central facility a directory of goods and services available and thus permitting the customer to select another central facility from a displayed list or catalogue and establish contact with it and thus have access to numerous central facilities and a myriad of goods and services."	Page 17, line 4  Page 7, line 9  Page 17, line 18
each of said first or other computerized central communications facilities having information relating to goods or	The specification at page 3 line 34 – page 4 line 3 discloses: "... unlike the preferred embodiment of the present invention where the information is centralized or stored	Page, 8 line 20

<sup>1</sup> Applicant notes that the above Table provides examples of support in the '309 and instant applications and should not be construed as limiting or excluding other supporting text. Applicant further notes that this presentation in no way limits Applicant from establishing support for any of the claims in any earlier priority application.



Claim	Support in the '309 Application	Support in the Instant Application
<p>services stored in a database, and each of said first or other computerized central communications facilities having a processor programmed to:</p> <p>receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database at said first or other computerized central communications facility for information of interest;</p> <p>enable said customer to at least one of search, browse and access said database for information of interest; and</p> <p>transmit said information of interest from the database at said computerized central communications facility to said computerized remote communications facility;</p>	<p>centrally and thereafter transmitted to the customer at the remote location..."; the specification at page 16, lines 3-7, discloses: "[t]he customer may establish contact with the central facility's equipment without the assistance of a representative and merely help himself in a self-service mode where he may browse through databases of goods and services."; the specification at page 21 lines 28-30 discloses: "The customer may respond to questions regarding his medical history and based upon a search of medical history either at the central facility...."</p>	<p>Page 9, line 7</p> <p>Page 29, line 2; page 8, line 23</p>
<p>wherein at least one of said first or other computerized central communications facilities is adapted to provide to said customer at said computerized remote facility a list of computerized central communications facilities permitting said customer to select and contact at least one other computerized central communications facility to request additional information relating to said goods or services.</p>	<p>The specification at page 9 line 33 – page 10 line 7 discloses: "... upon pressing or utilizing the touch screen, keyboard or input device the customer may activate the system causing it to retrieve from a central facility a directory of goods and services available and thus permitting the customer to select another central facility from a displayed list or catalogue and establish contact with it and thus have access to numerous central facilities and a myriad of goods and services."</p>	<p>Page 20, line 2</p>
<p>31. The apparatus of claim 30, wherein said computerized central communications facility is further programmed to facilitate a transaction between said computerized central communications facility and said computerized remote communications facility.</p>	<p>The specification at page 7 line 30 – page 8 line 1 discloses: "The customer is to communicate with central facilities or locations ... from which a customer might wish assistance in facilitating a transaction."; the specification at page 8 lines 17-20 discloses: "...customer may use the electronic communications facilities and equipment at the remote location to contact a financial services company or some other central facility to facilitate a transaction..."</p>	<p>Page 1, line 16</p>
<p>32. The apparatus of claim 30, wherein at least one of said computerized central communications facilities is further programmed to contact the customer</p>	<p>The specification at page 16 lines 24-30 discloses: "... the central facility or its representative may have occasion to initiate contact with a given remote facility. An example would be for use in a public or</p>	<p>Page 27, line 14</p>

Claim	Support in the '309 Application	Support in the Instant Application
and apprise said customer of goods or services offered or any special offerings.	private location where the central system would contact the remote facility to apprise potential customers of goods and services offered."	
33. The apparatus of claim 30, wherein said computerized central communications facility and each of said other computerized central communications facilities are associated with competing providers of goods or services.	Referring to deficiencies of the prior art as compared with the embodiments of the invention, the specification, at page 6 lines 2-6, discloses: "Neither does Walker permit each remote facility to communicate with a variety of central facilities thus restricting the variety and competition for goods and services there offered..."; the specification at page 9 line 33 – page 10 line 7 discloses: "... upon pressing or utilizing the touch screen, keyboard or input device the customer may activate the system causing it to retrieve from a central facility a directory of goods and services available and thus permitting the customer to select another central facility from a displayed list or catalogue and establish contact with it and thus have access to numerous central facilities and a myriad of goods and services."; further, the specification at page 11 lines 20-32 discloses: "The reduction in costs associated with these products will then help create a greater variety of more competitive products for customers more likely to meet each customer's specific needs with greatly reduced overhead costs allowing the products to be much more competitive with other products and services ... The reduced capital requirements would also encourage smaller companies to compete. Many smaller companies currently concentrate on specific states or regions as they do not have the resources to develop products for many states. The result would be increased competition."	Page 20, line 3
34. The apparatus of claim 30, wherein at least one of said computerized central communications facility and said other computerized central communications facilities further includes an audio communication device for communication with said computerized remote communications facility.	Figure 1 schematically illustrates communication devices, namely, phone 34 and speaker phone 20, located at remote facility 12 and central facility 14, respectively, for providing live audio communications between central communications facility and the remote facility. Further, the specification at page 14, lines 23-32 discloses: "As seen in FIG. 1, this equipment includes a modem 30, a digital computer 32 or other means for processing information, instructions or data, a phone 34 or other means for voice exchange or audio transmission ..."	Page 18, line 1
35. The apparatus of claim 30,	In reference to providing information to the	Page 24, line 1

Claim	Support in the '309 Application	Support in the Instant Application
wherein said computerized central communications facility and at least one of said other computerized central communications facilities is further adapted to provide information relating to goods or services in the form of an audio or video presentation.	customer at the remote facility, the specification at page 17, lines 14-17, discloses: "It may comprise audio and visual information related to those goods and services ..."	
36. The apparatus of claim 35, wherein said apparatus further comprises means for recording a presentation stopping point for future reference.	The specification at the sentence bridging pages 10 and 11 discloses: "To facilitate such a technique the remote or central location may record the stopping point of the customer's last on-line presentation so that when contact is resumed an appropriate presentation continuing point may be ascertained."	Page 16, line 8
39. The apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to present information of interest to said customer.	The specification at page 10, lines 12-15 discloses: "... it may also be beneficial to download certain software from the central facility to the remote location to provide proper control and support for the customer ..."; also, concerning downloading from the central communications facility, the specification at page 10, lines 25-28, discloses: "It may also be beneficial to quickly download a catalogue of desired or requested information to permit the customer to review leisurely ..."	Page 15, line 17
40. The apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable the customer to communicate with said central communications facility.	The specification at page 10, lines 12-15 discloses: "... it may also be beneficial to download certain software from the central facility to the remote location to provide proper control and support for the customer ..."; also, at page 10 lines 17-19, the specification discloses: "This would provide for the simple updating of any needed communications or other remote located software at the remote facility and ensure that each remote location will be compliant with future standards . . . ."	Page 15, line 21
41. The apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable said customer to conduct a transaction using the information provided by said computerized central communications facility relating to goods or services.	The specification at page 10, lines 12-15 discloses: "... it may also be beneficial to download certain software from the central facility to the remote location to provide proper control and support for the customer ..."; further, concerning downloading from the central communications facility, the specification at page 10, lines 25-28, discloses: "It may also be beneficial to quickly download a catalogue of desired or requested information to permit the customer to review leisurely while terminating the communication link to reduce connect charges or free utilization of the central facility's	Page 15, line 17

Claim	Support in the '309 Application	Support in the Instant Application
	resources.”	
42. The apparatus of claim 30, wherein said processor is further programmed to provide an interactive presentation relating to goods or services.	The specification at page 7, lines 18-23, discloses: “A number of terminals may be grouped to form an electronic shopping store permitting the customer to obtain desired information on the products of his choice while having access to highly knowledgeable representatives ...” In addition, the paragraph bridging pages 18 and 19 discloses: “Thus, the agent residing at the central financial services company 12 has the ability to control the above-described electronic communications equipment in the presence of the customer located at the remote facility 14.”	Page 7, line 17
43. The apparatus of claim 42, wherein said interactive presentation includes an audio presentation in the form of a computerized voice.	The specification at page 19 lines 21-23 (19:21-23) discloses: “The system may also utilize voice synthesis to prompt or present options to the customer and may be used in tandem with visual prompts.”	Page 11, line 16
44. An apparatus for marketing at least one of goods or services, comprising: a first central communications facility having a first database of information relating to goods or services to provide to a customer at a computerized remote facility upon request, said first central communications facility adapted to enable said customer to select and contact a second central communications facility having a database of information relating to a second set of information relating to goods or services to provide upon request; and a communication device to enable said first central communications facility to communicate with said remote facility, said communication including transmitting said first set of information from said first central communications facility to said remote facility.	Page 9 line 32  Page 16 line 3, Page 2 line 30  Page 1 line 10, Page 3 line 32	Page 20, line 2  Page 23, line 21  Page 1, line 14
45. The apparatus of claim 44, further comprising means enabling said central communications facility or said other central communications facilities to conduct a transaction with said remote communications facility.	Page 13, line 9 “In this respect the system may be used to execute a transaction...”	Page 19, line 14

Claim	Support in the '309 Application	Support in the Instant Application
51. The apparatus of claim 44, wherein said apparatus further comprises means for recording a presentation stopping point for future reference.	The specification at the sentence bridging pages 10 and 11 discloses: "To facilitate such a technique the remote or central location may record the stopping point of the customer's last on-line presentation so that when contact is resumed an appropriate presentation continuing point may be ascertained."	Page 16, line 8
58. The apparatus of claim 44, further comprising means for downloading software from the central communications facility to the computerized remote facility.	The specification at page 10, lines 12-15 discloses: "... it may also be beneficial to download certain software from the central facility to the remote location to provide proper control and support for the customer ..."	Page 15, line 17
59. A method for electronically transacting goods or services between a customer at a remote location and a plurality of providers of goods or services comprising: providing a first database associated with a first provider of goods or services and containing information relating to goods or services, said first database adapted to direct the customer at a remote location to a second database associated with a second provider of goods or services and containing information relating to goods or services; and enabling a remote facility to browse each of said first or second databases for information relating to goods or services.	Title to the invention  Page 9 line 32  Page 16 line 3	Title to the invention  Page 8, line 20  Page 9, line 8
70. Apparatus for marketing goods or services, comprising: a central communications facility to provide information relating to goods or services to a customer at a computerized remote facility, said central communications facility adapted to enable said customer to select and contact at least one other central communications facility providing information relating to goods or services; a first communication device associated with said central communications facility for providing live communication between the central communications facility and said computerized	Page 8 line 1 Page 9 line 32  Page 14 line 20	Page 1, line 16 Page 20, line 2  Page 20, line 5

Claim	Support in the '309 Application	Support in the Instant Application
remote facility; a second communication device associated with said central communications facility for providing a second simultaneous communication between said central communications facility and said computerized remote facility; and a database of information relating to goods or services accessible by said customer at said remote facility.	Page 14 line 20  Page 9 line 32, Page 18 line 20	Page 14, line 10  Page 8, line 20
77. The apparatus of claim 30, wherein said computerized central communications facility is further programmed to provide said customer with live assistance upon request.	The specification at page 15, line 31 – page 16 line 7, discloses: "At that time the customer may automatically review established presentations to better prepare him for a session with a representative and to educate the customer on the goods and services he is about to consider or at the customer's wish he may bypass these introductory presentations and immediately direct the session or request personal assistance from a representative. As an alternative the customer may establish contact with the central facility's equipment without the assistance of a representative and merely help himself in a self-service mode ..." In addition, the paragraph bridging pages 18 and 19 discloses: "Thus, the agent residing at the central financial services company 12 has the ability to control the above-described electronic communications equipment in the presence of the customer located at the remote facility 14."	Page 23, line 11
82. An apparatus for providing information relating to goods and services comprising:  a first computerized central communications facility of a first provider linked to a plurality of other computerized central communications facilities providing information relating to goods and services, at least one of said plurality of other computerized central communications facilities associated with a second provider, and to a computerized remote facility adapted to have access to said plurality of other computerized central communications facilities;	The specification at page 1, lines 10-14  page 10 lines 2-5,  Figure 1, sentence bridging pages 9 and 10	Page 1, line 14  Page 1, line 15.  Figure 1; Page 20, line 2

Claim	Support in the '309 Application	Support in the Instant Application
wherein at least one of said computerized central communications facilities is adapted to provide information to enable said remote facility to select and contact another one of said computerized central communications facilities.		
<p>87. An apparatus for marketing goods and services, comprising:</p> <p>a central communications facility adapted to provide a set of information relating to goods or services to a customer at a computerized remote facility, said central communications facility further adapted to be accessible to said customer through information provided by at least one other central communications facility; and</p> <p>a communication device to enable said central communications facility to communicate with said remote facility, said communication including transmitting said set of information to said customer at said remote facility.</p>	<p>The specification at page 1, lines 10-14</p> <p>Figure 1, page 3 line 34, sentence bridging pages 9 and 10</p> <p>FIG. 1, paragraph bridging pages 14 and 15</p>	<p>Page 1, line 14</p> <p>Figure 1; page 20, line 2</p> <p>Figure 1; page 14, line 10</p>
<p>88. An apparatus to market goods or services over an electronic network, comprising:</p> <p>a first computerized central communications facility of a first provider linked to a second computerized central communications facility of a second provider and to a remote facility of a customer, said first computerized central communications facility having information relating to goods or services stored in a database, and a processor programmed to:</p> <p>receive from said customer a request to at least one of search, browse and access said database for information of interest;</p> <p>enable said customer to at least one of search, browse and access said database for information of interest;</p>	<p>The specification at page 1, lines 10-14</p> <p>page 9 line 33 – page 10 line 7</p> <p>page 16, lines 3-7</p> <p>page 16, lines 3-7</p>	<p>Page 1, line 14</p> <p>Page 20, line 2</p> <p>Page 9, line 7</p> <p>Page 9, line 7</p>

Claim	Support in the '309 Application	Support in the Instant Application
<p>transmit said information of interest from said database to said computerized remote communications facility;</p> <p>direct said customer to said second computerized central communications facility, said second computerized central communications facility having information relating to goods or services stored in a database; and</p> <p>periodically update said database in said first or second computerized central communications facility.</p>	<p>FIG. 1, paragraph bridging pages 14 and 15</p> <p>Page 9 line 32</p> <p>Page 2, line 23-27</p>	<p>Figure 1; page 14, line 10</p> <p>Page 8, line 20</p> <p>Page 13, line 4</p>
<p>89. A first computerized central communications facility linked to a plurality of other computerized central communications facilities, said first computerized central communications facility comprising:</p>	<p>The specification at page 9 line 33 – page 10 line 7 discloses: "... upon pressing or utilizing the touch screen, keyboard or input device the customer may activate the system causing it to retrieve from a central facility a directory of goods and services available and thus permitting the customer to select another central facility from a displayed list or catalogue and establish contact with it and thus have access to numerous central facilities and a myriad of goods and services."</p>	<p>Page 20, line 2</p>
<p>a database of information relating to goods or services</p>	<p>The specification at page 16, lines 3-7, discloses: "[t]he customer may establish contact with the central facility's equipment without the assistance of a representative and merely help himself in a self-service mode where he may browse through databases of goods and services."</p>	<p>Page 9, line 7</p>
<p>a communication device for communicating with a customer at a remote facility; and</p>	<p>Figure 1 schematically illustrates a communication device, a modem, for providing data communication between central communications facility and the remote facility. Further, the specification at page 14, lines 23-32: "As seen in FIG. 1, this equipment includes a modem 30, a digital computer 32 or other means for processing information, instructions or data, a phone 34 or other means for voice exchange or audio transmission . . . . Only a complementary printer is not needed at the financial services facility 12 for the purpose of facilitating transactions in accordance with the present invention."</p>	<p>Figure 1</p> <p>Page 18, line 1</p>
<p>a processor programmed to:</p> <p>receive from said customer a request to search, browse or access</p>	<p>The specification at page 3 line 34 – page 4 line 3 discloses: "... unlike the preferred embodiment of the present invention where</p>	<p>Page 9, line 7</p>



Claim	Support in the '309 Application	Support in the Instant Application
<p>said database</p> <p>enable said customer to at least one of search, browse or access said database for information of interest</p> <p>communicate said information of interest to said customer</p>	<p>the information is centralized or stored centrally and thereafter transmitted to the customer at the remote location..."; the specification at page 16, lines 3-7, discloses: "[t]he customer may establish contact with the central facility's equipment without the assistance of a representative and merely help himself in a self-service mode where he may browse through databases of goods and services."; the specification at page 21 lines 28-30 discloses: "The customer may respond to questions regarding his medical history and based upon a search of medical history either at the central facility...."</p>	<p>Page 9, line 7</p>
<p>direct said customer to one of said other computerized central communications facilities that has information relating to goods or services in competition with at least one of said first computerized central communications facility or said other computerized central communications facilities.</p>	<p>Referring to deficiencies of the prior art as compared with the embodiments of the invention, the specification, at page 6 lines 2-6, discloses: "Neither does Walker permit each remote facility to communicate with a variety of central facilities thus restricting the variety and competition for goods and services there offered..."; the sentence bridging pages 9 and 10 discloses: "In that sense an electronic phone book may be stored at the remote facility or instead upon pressing or utilizing the touch screen, keyboard or input device the customer may activate the system causing it to retrieve from a central facility a directory of goods and services available and thus permitting the customer to select another central facility from a displayed list . . . ."; further, the specification at page 11 lines 20-32 discloses: "The reduction in costs associated with these products will then help create a greater variety of more competitive products for customers more likely to meet each customer's specific needs with greatly reduced overhead costs allowing the products to be much more competitive with other products and services ... The reduced capital requirements would also encourage smaller companies to compete. Many smaller companies currently concentrate on specific states or regions as they do not have the resources to develop products for many states. The result would be increased competition."</p>	<p>Page 8, line 20</p>
<p>90. A first computerized central communications facility linked to a plurality of other computerized central communications facilities, at least one of said other computerized central communications facilities</p>	<p>Referring to deficiencies of the prior art as compared with the embodiments of the invention, the specification, at page 6 lines 2-6, discloses: "Neither does Walker permit each remote facility to communicate with a variety of central facilities thus restricting the variety and competition for goods and</p>	<p>Page 8, line 20</p>

Claim	Support in the '309 Application	Support in the Instant Application
providing information relating to goods or services in competition with said first computerized central communications facility, the said first computerized central communications facility comprising:	services there offered..."; the specification at page 9 line 33 – page 10 line 7 discloses: "... upon pressing or utilizing the touch screen, keyboard or input device the customer may activate the system causing it to retrieve from a central facility a directory of goods and services available and thus permitting the customer to select another central facility from a displayed list or catalogue and establish contact with it and thus have access to numerous central facilities and a myriad of goods and services."; further, the specification at page 11 lines 20-32 discloses: "The reduction in costs associated with these products will then help create a greater variety of more competitive products for customers more likely to meet each customer's specific needs with greatly reduced overhead costs allowing the products to be much more competitive with other products and services ... The reduced capital requirements would also encourage smaller companies to compete. Many smaller companies currently concentrate on specific states or regions as they do not have the resources to develop products for many states. The result would be increased competition."	Page 20, line 2
a database of information relating to goods or services	The specification at page 16, lines 3-7, discloses: "[t]he customer may establish contact with the central facility's equipment without the assistance of a representative and merely help himself in a self-service mode where he may browse through databases of goods and services."	Page 9, line 7
a communication device for communicating with a customer at a computerized remote facility; and	Figure 1 schematically illustrates a communication device, a modem, for providing data communication between central communications facility and the remote facility. Further, the specification at page 14, lines 23-32: "As seen in FIG. 1, this equipment includes a modem 30, a digital computer 32 or other means for processing information, instructions or data, a phone 34 or other means for voice exchange or audio transmission . . . . Only a complementary printer is not needed at the financial services facility 12 for the purpose of facilitating transactions in accordance with the present invention."	Figure 1
a processor programmed to: receive from said customer a request for information relating to	The specification at page 3 line 34 – page 4 line 3 discloses: "... unlike the preferred embodiment of the present invention where the information is centralized or stored	Page, 8 line 20

Claim	Support in the '309 Application	Support in the Instant Application
<p>goods or services</p> <p>enable said customer to at least one of search, browse or access said database for information relating to said goods or services, and</p> <p>communicate said information relating to said goods or services to said customer</p> <p>wherein said customer at said computerized remote facility can access information at said first computerized central communications facility and with at said at least one other competing computerized central communications facility by using software downloaded from said first computerized central communications facility or from at least one other computerized central communications facility.</p>	<p>centrally and thereafter transmitted to the customer at the remote location..."; the specification at page 16, lines 3-7, discloses: "[t]he customer may establish contact with the central facility's equipment without the assistance of a representative and merely help himself in a self-service mode where he may browse through databases of goods and services."; the specification at page 21 lines 28-30 discloses: "The customer may respond to questions regarding his medical history and based upon a search of medical history either at the central facility...."</p>	<p>Page 9, line 7</p>
<p>108. A marketing apparatus for use with a distant communications apparatus,</p>	<p>See title 'SYSTEM AND METHOD FOR FACILITATING TRANSACTIONS UTILIZING CENTRAL AND REMOTE LOCATIONS'; under Summary of the Invention see pg8 ln1(8:1) 'The method by which the transactions are facilitated reduces the costs associated with creating, <u>marketing</u>, administering, and selling these products and services...'; page 6 line 32 '...a number of the remote locations may be concurrently linked with one or more central facilities or auction houses so that groups of customers at each remote or local auction facility may participate in the actual auction at one or more distant central facilities...' and page 8 line 15 '... transaction system and method where having earlier established communication between the remote and central locations the customer may use the electric communications facilities...'</p>	<p>See title</p> <p>Page 7, line 8</p>
<p>said distant communications apparatus having means for storing a digital image of a good for sale, means for storing a data record of said good for sale,</p>	<p>See 'Field of the Invention' pg1 '...system and method for facilitating transactions utilizing central and remote facilities in concurrently or non concurrently transmitting voice or audio, <u>data</u>, and <u>images</u>...to sell... <u>goods</u>'; Page 4, line 1 "... information is centralized or stored centrally..."; see under Description of the Prior Art at page 3 line 34 '...the preferred embodiment of the present invention where the information is centralized or <u>stored</u></p>	<p>See 'Field of the Invention' pg1</p> <p>Page 16, line 11 "... storage of all product information at the central facility..."; Page, 8 line 20</p>

Claim	Support in the '309 Application	Support in the Instant Application
	centrally'.	
and means for transmitting such to said marketing apparatus.	See 'Field of the Invention' page 1 '...system.. for facilitating transactions ... in ... <u>transmitting</u> voice or audio, data, and images...';	See 'Field of the Invention' pg1
said marketing apparatus comprising: a communications means for communicating with said distant communications apparatus, a processor operably connected to said communications means, said processor receiving a data record of a good for sale from said distant communications apparatus, said processor receiving an identification code from said distant communications apparatus;	See page 6 line 32 (page:line) '...a number of the remote locations may be <u>concurrently linked with one or more central facilities</u> or auction houses so that groups of customers at each remote or local auction facility may participate in the actual auction at one or more distant central facilities...'; 5:9; see 13:24 for digital computer 18 which would encompass a <u>processor</u> , see 16:12 using <u>identification code</u> to identify facility/apparatus.	Page 7, line 8  Field of the Invention; Figure 1 Page 14, line 19
a storage device operably connected to said processor, said storage device adapted to receive said data record of a good for sale, said data record containing an image of said good for sale and a written description of said good for sale;	See 3:35 (page:line) '... the present invention where the information is centralized or <u>stored</u> centrally and thereafter transmitted...'; 12:29 '... the present invention employing an array of means for transmitting and/or <u>receiving</u> information comprising <u>visual</u> , audio, and/an <u>data</u> ...'; 18:1 'Information for home users when purchasing or renting movies, music, or other forms of entertainment might comprise: ratings, titles, product <u>descriptions</u> , artists or actors, articles written...'	Page, 8 line 20  See 'Field of the Invention' pg1  Page 26, line 9
presentation software operably connected to said storage device and a communications link, said presentation software providing via said communications link an interface to said marketing apparatus for a customer, said presentation software providing said customer with access to said data record written description and said image of said good for sale;	19:32 (page:line) 'The transmitted <u>presentation</u> may utilize a well known spokesperson and give the appearance of a commercial or infomercial. On his own the customer may back up, fast forward, skip, or jump to the specific product information he wishes...'; 18:29 graphics <u>software</u> permitting customer to <u>access</u> data.	Page 9, line 24  Page 28, line 9
a transaction processor operably connected to said communications link and said storage device, said transaction processor adapted to enable customer to tender payment, and to approve said payment means; and	13:9 (page:line) 'the system may be used to execute a <u>transaction</u> ...'; 11:8 'The system could thus provide a <u>means to ...tender payment</u> for goods and services purchased.', 7:11 '... remit his payment.'; 21:13 '... <u>approve</u> the intended purchase...''.	Page 19, line 14 Page 25, line 8  19:8; Page 29, line 11
a transaction record means operably connected to said transaction processor, said transaction record means transmitting to said customer	7:14 (page:line) '... <u>customer may be provided</u> a separate recording or printing device to provide the customer a <u>record</u> or receipt <u>of any transaction</u> he may perform...'	Page 23, line 14

Claim	Support in the '309 Application	Support in the Instant Application
in response to said purchase request a record of said transaction.		
110. The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to provide a coupon relating to said goods or services to said customer.	24:18 "... provide the customer with a printed coupon, rebate or voucher..."	Page 29, line 6
112. The marketing apparatus of claim 108 wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility.	10:3 "... permitting the customer to select another central facility from a displayed list or catalogue and establish contact with it..."	Page 20, line 2
113. The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to contact said customer and apprise said customer of goods or services offered or any special offerings.	16:28 "... where the central system would contact the remote facility to apprise potential customers of goods and services offered..."	Page 27, line 14
114. The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to initiate contact with said customer.	16:28 "... where the central system would contact the remote facility to apprise potential customers of goods and services offered..."	Page 27, line 14
115. An apparatus to market and/or sell goods or services over an electronic network comprising:	As with Claim 30, the specification at page 1, lines 10-17 disclosed: "The present invention generally relates to... <u>system</u> and method for facilitating transactions..." ; the specification at page 8 lines 1-4 discloses: "The method by which the transactions are facilitated reduces costs associated with creating, <u>marketing</u> , administering, and selling these <u>products and services</u> ..." , 8:16 (page:line) "... <u>established communication between</u> the remote and central locations the customer may use the <u>electronic</u> communications facilities..."	Page 1, line 14
a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities,	The specification at page 5, lines 8-10 discloses: "... whereas the present invention would with central storage permit each remote facility or location to communicate with an array of central facilities..." ; the specification at page 6, line 31 – page 7 line 3 discloses: "For auction houses a number of the remote locations may be <u>concurrently linked with one or more</u> central facilities..." ; the specification at page 7 lines 30-35 discloses: "The customer is to communicate with central facilities or locations comprising banks,... or in general any location for which a customer might wish assistance; the specification at page 9 line 33 – page 10 line 7 discloses: "... upon pressing	Page 17, line 4

Claim	Support in the '309 Application	Support in the Instant Application
	or utilizing the touch screen, keyboard or input device the customer may activate the system causing it to retrieve from a central facility a directory of goods and services available and thus permitting the customer to select another central facility from a displayed list or catalogue and establish contact with it and thus have access to numerous central facilities and a myriad of goods and services."	
each of said first of other computerized central communications facilities having information relating to goods or services stored in a database, and each of said first or other computerized central communications facilities having a processor programmed to: receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database at said first or other computerized central communications facility for information or interest; enable said customer to at least one of search, browse and access said database for information of interest; and transmit said information of interest from the database at said computerized central communications facility to said computerized remote communications facility,	The specification at page 3 line 34 – page 4 line 3 discloses: "... unlike the preferred embodiment of the present invention where the <u>information</u> is centralized or stored centrally and thereafter transmitted to the customer at the remote location..."; the specification at page 16, lines 3-7, discloses: "[t]he customer may establish contact with the <u>central facility's</u> equipment without the assistance of a representative and merely help himself in a self-service mode where he may <u>browse through databases</u> of goods and services."; the specification at page 21 lines 28-30 discloses: "The customer may respond to questions regarding his medical history and based upon a search of medical history either at the central facility..."	Page, 8 line 20  Page 9, line 7
wherein at least one of said computerized central communications facilities is adapted to provide said customer information regarding the rental of entertainment products.	18:1 (page:line) 'Information for home users when purchasing or <u>renting</u> movies, music, or other <u>forms of entertainment</u> might compromise: ratings, titles, product descriptions, artists or actors, articles written by critics or excerpts of, short segments of music or movie (samples or previews)...	Page 26, line 7
123. A method for running application software in a computer network environment, comprising:	See title 'SYSTEM AND METHOD...', 12:30 '...means for <u>transmitting and/or receiving information</u> comprising visual, audio, and/or data between the financial services facility or location 12 and a customer at one of the respective remote facilities or locations 14.', and 10:8 '... <u>application software</u> ...'	See title
providing at least one computerized	See Figure 1, 12:12 (page:line) 'The	Figure 1

Claim	Support in the '309 Application	Support in the Instant Application
remote communications facility and at least one computerized central communications facility coupled to said network environment, wherein said network environment is a hypermedia transmitted environment;	transactions facilitating system 10 includes at least one central facility 12, such as a financial services company, marketer, or manufacturer and at least one remote facility 14...', 20:4 'Information may be provided at various levels of detail through a technique known as <u>hypertext</u> .'	Page 28, line 15
executing, at said computerized remote communications facility, browsing application software that processes a first transmitted hypermedia document to identify visual and/or audio information in said hypermedia document caused to be transmitted from said computerized central communications facility for a customer at said computerized remote communications facility;	18:14 (page:line) 'The digital computer 18 stores suitable well-known off-the-shelf operations, communications and perhaps graphics software programs in its memory and is <u>operational to translate</u> the signals, electronic or otherwise, caused to be transmitted from the financial services facility 12 into such displayed, audio reproduced...', 20:4 'Information may be provided at various levels of detail through a technique known as <u>hypertext</u> .'	Page 21, line 4  Page 28, line 15
utilizing said browsing application software to display, on a monitor at said computerized remote communications facility, at least a portion of a first transmitted hypermedia document received over said network from said computerized central communications facility, wherein a portion of said first hypermedia document is displayed within a first browsing application software window on said monitor at said computerized remote communications facility, wherein said computerized remote communications facility has downloaded application software from at least one of said computerized central communications facilities in a current or past session, wherein said browsing application software is operational to process information contained in said hypermedia document, and wherein said downloaded application software is operational to translate information contained in said transmitted hypermedia document in order to display in said first browsing application software window or otherwise reproduce said information at a computer for said customer at said computerized	18:27 (page:line) 'An example of a suitable graphics program is one commercially available under the trademark <u>Harvard Graphics</u> which may be used to reconstruct digitally transmitted information...'. According to its web site (see <a href="http://www.harvardgraphics.com/about.asp">http://www.harvardgraphics.com/about.asp</a> ) Harvard Graphics ran on the Windows operating system which supports multiple document windows. 10:12 '...it may also be beneficial to <u>download certain software</u> from the central facility to the remote location to provide proper control and support for the customer...', 18:14 'The digital computer 18 stores suitable well-known off-the-shelf operations, communications and perhaps graphics software programs in its memory and is <u>operational to translate</u> the signals, electronic or otherwise, caused to be transmitted from the financial services facility 12 into such displayed, audio <u>reproduced</u> , recorded,...'	Page 21, line 4

Claim	Support in the '309 Application	Support in the Instant Application
remote communications facility.		
130. A method for enabling a remote user to preview a portion of a pre-recorded entertainment product from a network computerized central communications facility containing pre-selected portions of different pre-recorded entertainment products, using a computer, a computer display and a telecommunications link between the remote user's computer and the network computerized central communications facility, the method comprising the steps of:	16:34 (page:line) 'Having established contact ... with the customer's modem 16, digital computer 18, monitor 22 ...to transmit and provide helpful audio, video, and data information to the customer about the transaction being proposed ...Such information ...may comprise audio and visual information related to those goods and services ...Information for home users when purchasing or renting movies, music, or other forms of <u>entertainment</u> might comprise: ratings, titles, product descriptions, artists or actors, articles written by critics or excerpts of, short segments of music or movie (samples or <u>previews</u> )...'	Page 20, line 12  Page 26, line 7
a) using the remote user's computer to establish a telecommunications link to the network computerized central communications facility wherein the network computerized central communications facility comprises (i) a central computer coupled to a communications network for retrieving and transmitting the pre-selected portion of the pre-recorded entertainment product upon request by a remote user and (ii) a central storage device for storing pre-selected portions of a plurality of different pre-recorded entertainment products;	16:3 (page:line) '...customer may establish contact with the central facility's equipment ...help himself in a self-service mode where he may browse through databases of goods and services...'	Page 9, line 7
b) choosing at least one pre-selected portion of the pre-recorded entertainment products from said central computer;	16:34 (page:line) and 16:3 as above 16:3 as above	Page 26, line 7
c) receiving the chosen pre-selected portion of the pre-recorded products; and	16:3 (page:line) as above	Page 26, line 7
d) interactively previewing the received chosen pre-selected portion of the pre-recorded entertainment product.	16:34 (page:line) as above	Page 26, line 7
131. The method of claim 130 wherein the method further comprises the step of transmitting user identification data from the remote user's computer to the central host server thereby allowing the central host server to identify and track the user's progress through the	16:13 (page:line) using identification code to identify facility; 14:15 verify customer identification; 20:23 monitoring customer's use	Page 14, line 19



Claim	Support in the '309 Application	Support in the Instant Application
network computerized central communications facility.		
138. An apparatus for marketing goods and/or services, comprising: a computerized central communications facility providing information relating to goods and/or services to customers at a plurality of computerized remote facilities, each of said plurality of computerized remote facilities remote from and linked to said computerized central communications facility; and a database of information relating to said goods and/or services accessible to customers at said plurality of computerized remote facilities; wherein said computerized central communications facility provides auctioning services including receipt of auction bids placed by customers from said plurality of computerized remote facilities.	6:31 (page:line) 'For auction houses a number of the remote locations may be concurrently linked with one or more central facilities or auction houses so that groups of customers at each remote or local auction facility may participate in the actual auction at one or more distant central facilities or houses.'	Page 7, line 8
140. An apparatus to market and/or sell goods or services over an electronic network comprising:	As with Claim 30, the specification at page 1, lines 10-17 disclosed: "The present invention generally relates to... <u>system</u> and method for facilitating transactions..."; the specification at page 8 lines 1-4 discloses: "The method by which the transactions are facilitated reduces costs associated with creating, <u>marketing</u> , administering, and <u>selling</u> these <u>products</u> and <u>services</u> ...", 8:16 "... <u>established communication</u> between the remote and central locations the customer may use the <u>electronic</u> communications facilities..."	Page 1, line 14
a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities,	The specification at page 5, lines 8-10 discloses: "... whereas the present invention would with central storage permit each remote facility or location to communicate with an array of central facilities..."; the specification at page 6, line 31 – page 7 line 3 discloses: "For auction houses a number of the remote locations may be <u>concurrently linked with one or more</u> central facilities..."; the specification at page 7 lines 30-35 discloses: "The customer is to communicate with central facilities or locations comprising banks,... or in general any location for which a customer might wish assistance; the specification at page 9 line 33 – page 10 line 7 discloses: "... upon pressing	Page 17, line 4

Claim	Support in the '309 Application	Support in the Instant Application
<p>each of said first or other computerized central communications facilities having information relating to goods or services stored in a database, and each of said first or other computerized central communications facilities having a processor programmed to:</p> <p>    receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database at said first or other computerized central communications facility for information of interest;</p> <p>    enable said customer to at least one of search, browse and access said database for information of interest; and</p> <p>    transmit said information of interest from the database at said computerized central communications facility to said computerized remote communications facility;</p> <p>    wherein at least one of said computerized central communications facilities is adapted to provide said customer information regarding entertainment rentals.</p>	<p>or utilizing the touch screen, keyboard or input device the customer may activate the system causing it to retrieve from a central facility a directory of goods and services available and thus permitting the customer to select another central facility from a displayed list or catalogue and establish contact with it and thus have access to numerous central facilities and a myriad of goods and services."</p> <p>The specification at page 3 line 34 – page 4 line 3 discloses: "... unlike the preferred embodiment of the present invention where the <u>information</u> is centralized or stored centrally and thereafter transmitted to the customer at the remote location..."; the specification at page 16, lines 3-7, discloses: "[t]he <u>customer may establish contact with the central facility's</u> equipment without the assistance of a representative and merely help himself in a self-service mode where he may <u>browse through databases</u> of goods and services."; the specification at page 21 lines 28-30 discloses: "The customer may respond to questions regarding his medical history and based upon a search of medical history either at the central facility..."</p> <p>18:1 (page:line) 'Information for home users when purchasing or <u>renting</u> movies, music, or other <u>forms of entertainment</u> might compromise: ratings, titles, product descriptions, artists or actors, articles written by critics or excerpts of, short segments of music or movie (samples or previews)...</p>	<p>Page, 8 line 20</p> <p>Page 9, line 7</p> <p>Page 26, line 7</p>

### (6) Grounds Of Rejection To Be Reviewed On Appeal

Included at the end of each issue enclosed in brackets is the item number used by the Examiner in his final action.

*(1) The issue is whether claims 115, 116, 121, 122, and 140-143 are unpatentable under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,734,823 (Saigh et al.) [Examiner's final action, item 4]*

*(2) The issue is whether claim 123 is unpatentable under U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,724,424 (Gifford). [5]*

*(3) The issue is whether claims 30-33, 36, 39-45, 47, 49, 51, 54, 57-64, 67, 79-85, 87-90, 92, and 100 are unpatentable under 35 U. S. C. 103(a) as being anticipated by "Services: AT&T Provides Compass" (AT&T) in view of U.S. Patent No. 4,992,940 (Dworkin). [7]*

*(4) The issue is whether claims 50, 72, 77, 78, and 86 are unpatentable under 35 U. S. C. 103(a) over AT&T and Dworkin in view of U.S. Patent No. 5,191,410 (McCalley et al.) [8]*

*(5) The issue is whether Claims 34, 35, 38, 48, 52, 53, 68, 69, 94, 95, 103, and 107 are unpatentable under 35 U. S. C. 103(a) over AT&T and Dworkin in view of U.S. Patent No. 5,347,632 (Filepp et al.) [9]*

*(6) The issue is whether Claims 70-76 are unpatentable under 35 U. S. C. 103(a) over AT&T in view of Dworkin and McCalley. [10]*

*(7) The issue is whether Claims 93, 96-98, 101, and 104-106 are unpatentable under 35 U. S. C. 103(a) over AT&T and Dworkin in view of Examiner's Official Notice. [11]*

*(8) The issue is whether Claims 108, 110-114 and 139 are unpatentable under 35 U. S. C. 103(a) over Saigh in view of U.S. Patent No. 5,576,951 (Lockwood). [12]*

*(9) The issue is whether Claim 109 is unpatentable under 35 U. S. C. 103(a) over Saigh and Lockwood in view of U.S. Patent No. 5,819,092 (Ferguson et al.) [13]*

*(10) The issue is whether Claim 139 is unpatentable under 35 U. S. C. 103(a) over Saigh in view of Lockwood. [14]*

*(11) The issue is whether Claim 124 is unpatentable under 35 U. S. C. 103(a) over Saigh. [15]*

*(12) The issue is whether Claim 125 is unpatentable under 35 U. S. C. 103(a) over Gifford in view of Ferguson. [16]*

*(13) The issue is whether Claim 126 is unpatentable under 35 U. S. C. 103(a) over Gifford in view of Lockwood. [17]*

(14) The issue is whether Claims 127-129 are unpatentable under 35 U. S. C. 103(a) over Gifford in view of Saigh. [18]

(15) The issue is whether Claims 130-132 and 135-137 are unpatentable under 35 U. S. C. 103(a) over Saigh in view of U.S. Patent No. 5,963,916 (Kaplan/Intouch). [19]

(16) The issue is whether Claim 133 is unpatentable under 35 U. S. C. 103(a) over Saigh and Intouch in view of Ferguson. [20]

(17) The issue is whether Claim 134 is unpatentable under 35 U. S. C. 103(a) over Saigh and Intouch in view of Lockwood. [21]

(18) The issue is whether Claim 138 is unpatentable under 35 U. S. C. 103(a) over Saigh in view of Ferguson. [22]

(19) The issue is whether Claim 30 is subject to the judicially created doctrine of obviousness-type double patenting as being unpatentable over Wren (US Patent No. 6,055,514) in view of AT&T and Dworkin. [24]

(20) The issue is whether Claims 108-114 and 130-143 are subject to the judicially created doctrine of obviousness-type double patenting as being unpatentable over Wren in view of Saigh, Ferguson, Intouch and Lockwood. [25]

### (7) Argument

*(1). Issue 1, the rejection of claims 115, 116, 121, 122, and 140-143 over Saigh is unfounded.*

claim 115 (independent, re: rentals)

Saigh is not prior art for and does not support the invention as claimed.

Support for applicant's claim as presented in his July 2004 amendment and in the above chart came from parent application no. 08/268,309 filed 6/29/94. In fact, all of applicant's claims are supported no later than June of 1994 in parent application 08/268,309.

In contrast, Saigh 5,734,823 was filed 7/25/96 as a child in a chain of filings.

From Saigh specification...

"This application is a continuation of U.S. patent application Ser. No. 08/367,056 filed Dec. 30, 1994, now abandoned, which is a continuation-in-part of the U.S. patent Ser. No. 08/296,120 filed Aug. 25, 1994, now abandoned, which is a continuation-in-part of Ser. No. 07/787,536 filed Nov. 4, 1991, now abandoned."

His earliest application -the only one that is prior (Ser. No. 07/787,536 filed Nov. 4, 1991)- contains no mention of rentals in his abstract, claims, SUMMARY OF THE INVENTION, drawings, DESCRIPTION OF THE DRAWINGS, nor anywhere else. Sections specifically directed at rentals did not exist ("2. Point of Rental Delivery System", etc.). Saigh is therefore not prior art for these claims (115, 116, 121, 122 and 140-143) and they are therefore, for at least these reasons, allowable.

Further, the Saigh reference does not teach...

"a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, each of said first or other computerized central communications facilities having information relating to goods or services stored in a database, and each of said first or other computerized central communications facilities having a processor programmed to:  
receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database at said first or other computerized central communications facility for information of interest..."

...as claimed by applicant. None of the cited figures or passages cited by Examiner support the invention as claimed.

In fact, in Saigh's original specification filed in 1991 he doesn't even provide for the customer to contact a single central facility to access a database. Rather, as in the abstract of his 1991 specification, the central storage facility merely provides "text of books, periodicals, magazines, etc. encoded on laser readable disks to the book bank facilities". This information is then transported, not transmitted. The claim is therefore, for this reason as well, allowable.

For at least these reasons, all dependent claims (116-122) are also allowable.

Claim 140 (independent, entertainment rentals)

As above, Saigh is not prior art for these claims. Further, in Saigh neither the cited figures or passages support...

...“each of said first or other computerized central communications facilities having a processor programmed to:

receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database”.

This claim is therefore, for at least these reasons, allowable.

For at least these reasons, all dependent claims (141-143) are also allowable.

*(2). Issue 2, the rejection of claim 123 over Gifford is unfounded.*

To be considered is whether downloading a document to be executed as a program that generates a purchase request and message anticipates using downloaded application software to display or reproduce ‘information contained in a transmitted hypermedia document’.

Examiner asserts Gifford at column 5, lines 60-2 and/or Fig 3 supports...

“providing at least one computerized remote communications facility and at least one computerized central communications facility coupled to said network environment, wherein said network environment is a hypermedia transmitted environment;

executing, at said computerized remote communications facility, browsing application software that processes a first transmitted hypermedia document to identify visual and/or audio information in said hypermedia document caused to be transmitted from said computerized central communications facility for a customer at said computerized remote communications facility;

utilizing said browsing application software to display, on a monitor at said computerized remote communications facility, at least a portion of a first transmitted hypermedia document received over said network from said computerized central communications facility, wherein a portion of said first hypermedia document is displayed within a first browsing application software window on said monitor at said computerized remote communications facility, wherein said computerized remote communications facility has downloaded application software from at least one of said computerized central communications facilities in a current or past session, wherein said browsing application software is operational to process information contained in said hypermedia document, and wherein said downloaded application software is operational to translate information contained in said transmitted hypermedia document in order to display in said first browsing application software window or otherwise reproduce said information at a computer for said customer at said computerized remote communications facility."

In contrast, Gifford only states...

"In an alternate embodiment, document 22 is executed at 23 as a program. A program is defined as a set of instructions that can exhibit conditional behavior based upon user actions or the environment of the buyer computer. As is known to those skilled in the art, there are many techniques for representing programs as data. The program can be interpreted or it can be directly executed by the buyer computer. The program when executed will cause the buyer computer to interact with the user leading to the user purchase request 24, and the purchase message 25."

In Gifford then the downloaded program is only used to generate a 'user purchase request and message', not to 'translate information contained in a transmitted hypermedia document' as herein claimed. Nothing contained in Fig 3 supports this claimed limitation either.

For at least these reasons claim 123 is not anticipated by the reference and is therefore allowable.

*(3). Issue 3, the rejection of claims 30-33, 36, 39-45, 47, 49, 51, 54, 57-64, 67, 79-85, 87-90, 92, and 100 over AT&T in view of Dworkin is unsupported.*

To be considered is whether a reference that discloses a computer based directory which helps users find out "where research is located on the Internet" anticipates a computer system for selling and/or marketing goods and/or services where customers may from a list provided by a

first central facility select and contact another central facility to obtain additional product information.

Claim 30 (independent, select and contact)

AT&T does not teach the invention as claimed.

The AT&T summary is as follows...

"AT&T's on-line service, called the Directory of Directories, allows users free access to the Internet's first road map. The directory provides users with a one-stop shopping list of all the Internet's services and resources simply by conducting a word search. Users can access the directory of directories through Wide Area Information Service (WAIS), Archie, Telnet, Gopher, and electronic mail. WAIS, Archie, and Gopher are all network-based information tools that have been made popular by the Internet community. The service is free both to users and for Internet providers to list information about their service. According to industry analysts, this is the first time that users will be able to find out where information is stored on the Internet from a single location. The Directory of Directories is part of the Internet Network Information Centre (InterNIC) service. The InterNIC is a 3-member organization created by the National Science Foundation to provide network information services and is comprised of AT&T's Directory of Directories, Network Solutions' Registration Services, and General Atomics/Cerfnet's Information Services."

The Examiner fails to distinctly identify where the article's summary covers the invention as claimed: "An apparatus to market and/or sell goods or services over an electronic network". AT&T's only use was to find out 'where research is located'. He thereby fails to fulfill his burden of proof.

Nothing in AT&T suggests their system was used to market and/or sell goods and/or services (abstract or otherwise) as herein claimed. The Examiner is therefore using hindsight to modify the reference in light of the inventor's application. Note that the AT&T directory was part of InterNIC, "an organization created by the National Science Foundation". It was about scientific research, not commerce. The Examiner himself was unable to locate a passage that taught the invention as claimed otherwise he would have cited it. The Examiner on copending serial number 09/504,374 was aware of the reference, but chose to largely ignore it. Please note that AT&T has 'users', whereas Wren has 'customers'. Wren is used to sell and market goods and services. AT&T is not.

Further, nowhere does AT&T teach...

"wherein at least one of said computerized central communications facilities is adapted to provide to said customer at said computerized remote facility a list of computerized central



communications facilities permitting said customer to select and contact at least one other computerized central communications facility to request additional information relating to said goods or services”

The Examiner has failed to cite any passage within the reference that anticipates this limitation. AT&T is merely a directory of directories (“someone has put together all of the different directories into one place”) telling users where they may find information they are looking for (“users will find it helpful to know where to look to find out where the information is located”). It does not permit a customer to “select and contact at least one other computerized central communications facility”. The reference therefore does not teach the invention as claimed. The Examiner is using hindsight to meet the applicant’s claim.

For at least these reasons claim 30 is allowable.

#### Claim 31

Examiner improperly combines disparate references. Dworkin has a single central facility providing product information to multiple customers, whereas AT&T has multiple central facilities providing research information to multiple users. Dworkin is a one to many system. AT&T is a many to many system. These systems are therefore fundamentally different. Combining them would then alter their principal of operation. Such a combination is therefore improper.

Further, this claim depends on a claim that is deemed allowable and is therefore itself allowable.

#### Claim 32

The cited passage of Dworkin does not teach the invention as claimed...

“wherein at least one of said computerized central communications facilities is further programmed to contact the customer and apprise said customer of goods or services offered or any special offerings”.

It only teaches “Item No. 4 on the main menu enables the user to view information on new products and special promotions”. In Dworkin it is then the customer who contacts the central facility, not the central facility that contacts the customer as herein claimed. Therefore, for at least this reason this claim is allowable.

#### Claim 33

The AT&T reference does not teach the invention as claimed, namely...

“wherein said computerized central communications facility and each of said other computerized central communications facilities are associated with competing providers of goods or services”

The Examiner fails to distinctly cite any passage that teaches the invention as claimed and thereby fails to fulfill his burden of proof.

Further, this claim depends on a claim that is deemed allowable. Therefore, for at least these reasons claim 33 is allowable.

#### Claim 36

The use of Official Notice is improper.

The Examiner uses Official Notice and declares the recited use of a ‘presentation stopping point’ as claimed to be obvious. However, this limitation in a related case (US Pat No. 6055514) was ruled to be novel and an inventive step. Please see Notice of Allowability dated November 10, 1999, page 3, item 6 in said case. Examiner is therefore using hindsight.

Further, this claim depends on a claim that is deemed allowable. For at least these reasons, this claim is therefore allowable.

#### Claim 39

The AT&T reference does not teach the invention as claimed, namely...

“wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to present information of interest to said customer”

It only supports downloading data (directory). The Examiner fails to distinctly cite any passage and thereby fails to fulfill his burden of proof.

Further, this claim depends on a claim that is deemed allowable. For at least these reasons, this claim is allowable.

#### Claim 41

The cited Dworkin passage does not teach the invention as claimed...

“wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable said customer to conduct a transaction using the information provided by said computerized central communications facility relating to goods or services”

It only supports downloading data (directory).

Further, this claim depends on a claim that is deemed allowable. For at least these reasons this claim is allowable.

Claim 43

This claim depends on a claim that is deemed allowable and is therefore itself allowable.

Claim 44 (independent, select and contact)

The reference does not support the invention as claimed.

The AT&T reference was not for the purpose of marketing goods or services. Nothing in the reference supports the claimed limitation...

"An apparatus for marketing at least one of goods or services"

AT&T does not say it is used for marketing. The Examiner fails to distinctly cite any passage and thereby fails to fulfill his burden of proof. The Examiner is therefore using hindsight to modify the reference in light of the inventor's application.

Further, the Examiner misstates Applicant's claim. It had been previously amended (July 2004) to recite "said first central communications facility adapted to enable said customer to select and contact a second central communications facility having a database of information relating to a second set of information relating to goods or services to provide upon request". AT&T does not teach this limitation as is now contained in the present claim.

Dworkin has a database, but it does not support "a second central communications facility having a database of information relating to a second set of information relating to goods or services to provide upon request" as is claimed. Dworkin has only one central facility from which a customer may request information. Even if it were proper to combine the references (we do not believe it is), one would still not meet the invention as claimed.

Therefore, for at least these reasons, this claim is allowable.

Claim 45

The Examiner improperly combines disparate references to meet this claim.

Dworkin has one central facility providing product information to multiple customers, whereas AT&T has multiple central facilities providing research information to multiple users. In Dworkin all product information is stored at the sole central facility. In AT&T research information is stored in multiple servers. Dworkin is a one to many system. AT&T is a many to many system. These systems are therefore fundamentally different. Combining them would then

alter their principal of operation and be contrary to Dworkin's teaching that all accessible information should be stored in a single central facility.

Further, this claim depends on a claim that is deemed allowable. For at least these reasons this claim is allowable.

Claim 47

This claim depends on a claim that is deemed allowable and is therefore itself allowable.

Claim 49

This claim depends on a claim that is deemed allowable and is therefore itself allowable.

Claim 51

As noted above, the Office previously regarded the use of a 'presentation stopping point' (a limitation of this claim) as novel and inventive. Examiner is therefore using hindsight in his use of Official Notice.

Further, this claim depends on a claim that is deemed allowable and is therefore itself allowable.

Claim 54

The cited Dworkin passage does not support the claimed limitation of "a software application for assisting the central communications facility to download a contract to the computerized remote location". Further, this claim depends on a claim that is deemed allowable.

For at least these reasons, this claim is allowable.

Claim 57

This claim depends on a claim that is deemed allowable. For at least this reason it is allowable.

Claim 58

The AT&T reference does not teach the claimed limitation "means for downloading software from the central communications facility to the computerized remote facility". The Examiner fails to cite any specific portion of the reference to support his contention and therefore fails to meet his burden of proof. AT&T only supports downloading data (directory).

Further, this claim depends on a claim that is deemed allowable. For at least these reasons, this claim is allowable.

Claim 59 (independent)

The Examiner argues claim 59 is 'substantially similar' to claims 30 and 44. Since claims 30 and 44 are deemed allowable, so is claim 59.

Claim 60

This claim depends on a claim that is deemed allowable. For at least this reason it is allowable.

Claims 61-64

The Examiner argues claims 61-64 are 'similar in scope' to claims 39-41. Since claims 39-41 are deemed allowable, so are claims 61-64.

Further, these claims depend on a claim that is deemed allowable and are therefore themselves allowable.

Claim 67

The Examiner argues claim 67 is 'similar in scope' to claim 42. Since claim 42 is deemed allowable, so is claim 67.

Further, this claim depends on a claim that is deemed allowable and is therefore itself allowable.

Claim 79

Dworkin does not teach the invention as claimed.

Nothing in the cited Dworkin figures teaches the claimed limitation "wherein said first central communications facility further enables said customer to browse said first set of information relating to goods and service". In the cited figures Dworkin merely provides menus containing lists of options from which a customer may choose. He does not provide the functionality herein claimed, namely 'to browse'. [See MSN Encarta at [http://encarta.msn.com/dictionary\\_/browse.html](http://encarta.msn.com/dictionary_/browse.html) ....

3. transitive and intransitive

verb comput online **scan computer files**: to scan and view files in a computer database or on the Internet, especially on the World Wide Web

For at least this reason the claim is allowable.

Further, this claim depends on a claim that is deemed allowable and is therefore itself allowable.

Claim 80

Similar arguments as in claim 79 above.

Claim 81

Dworkin does not teach the invention as claimed.

The cited Dworkin figures do not teach the claimed limitation "enabling the remote facility to search said first database or said second database". In the cited figures Dworkin merely provides menus containing lists of options from which a customer may choose. For at least that reason this claim is therefore allowable.

Further, this claim depends on a claim that is deemed allowable and is therefore itself allowable.

Claims 82-85

The Examiner argues claims 82-85 are 'similar in scope' to claims 30-33. Since claims 30-33 are deemed allowable, so are claims 82-85.

Further, these claims depend on a claim that is deemed allowable and are therefore themselves allowable.

Claims 87-90

The Examiner argues claims 87-90 are 'similar in scope' to claims 30-33. Since claims 30-33 are deemed allowable, so are claims 87-90.

Claims 92, 100

The Examiner argues claims 92 and 100 are 'similar in scope' to claim 32. Since claim 32 is deemed allowable, so are claims 92 and 100.

*(4). Issue 4, the rejection of claims 50, 72, 77, 78, and 86 over AT&T and Dworkin in view of McCalley is unfounded.*

Even if it is proper to combine these references (as established above it is improper to combine AT&T with Dworkin), each rejected claim is dependent on a claim that is deemed in condition for allowance. Therefore, for at least this reason each claim is allowable.

*(5). Issue 5, the rejection of claims 34, 35, 38, 48, 52, 53, 68, 69, 94, 95, 103, and 107 over AT&T and Dworkin in view of Filepp is unfounded.*

Claim 34

Even if it is proper to combine these references (as established above it is improper to combine AT&T with Dworkin), this claim is dependent on a claim that is deemed in condition for allowance. Therefore, for at least this reason this claim is allowable.

Claim 35

The proposed combination is improper and Filepp does not teach the invention as claimed.

The combination of Dworkin, AT&T and Filepp to meet this claim is as above improper as they teach away from one another. For example, Filepp teaches a single source of information at column 6, line 41, whereas AT&T teaches multiple sources. To combine would be to alter their principal of operation and be contrary to the teaching of Filepp.

Further, the cited Filepp passages only support that presentation data may contain codes for audio signals, videotext -which is the display of text on a video screen, and sounds as may be programmed to emit an audible of a particular pitch and duration such as a beep. None of these support the invention as claimed "adapted to provide information relating to goods or services in the form of an audio or video presentation".

Also, the rejected claim is dependent on a claim that is deemed in condition for allowance.

For at least these reasons the claim is allowable.

Claim 38

It is not proper to combine these references to meet this claim as Filepp teaches away from AT&T as established above. Filepp teaches a single source of information as at column 6, line 41, whereas AT&T teaches multiple sources. To combine would be to change the principal of operation and be contrary to the teaching of Filepp.

Further, this claim depends on a claim that is believed to be allowable. For these reasons this claim is also allowable.

Claim 48

The Examiner argues claim 48 is "substantially similar" to claim 35. Since claim 35 is deemed allowable, so should claim 48 be.

Claim 52

The combination of Dworkin, AT&T and Filepp as indicated above is improper. They teach away from one another. For example, Filepp teaches a single source of information as at column 6, line 41, whereas AT&T teaches multiple sources. To combine would be to change the principal of operation and be contrary to the teaching of Filepp.

Here again, the rejected claim is dependent on a claim that is deemed in condition for allowance. For at least these reasons the claim is allowable.

Claim 53

The reference does not support the invention as claimed.

Filepp's disclosure of "quotes and buy/sell orders for stocks and bonds" is not the same as providing "auctioning services". Utilizing the common meaning of the word as set forth in Webster's New Lexicon Dictionary publ. 1989, pg 61, the stock and bond market is clearly not an auction (i.e. a public sale at which the goods are sold to the highest bidder). See Appendix A.

Again, it is not proper to combine these references as Filepp teaches away from AT&T. For example, Filepp teaches a single source of information as at column 6, line 41, whereas AT&T teaches multiple sources. To combine would be to change the principal of operation and be contrary to the teaching of Filepp.

Further, the rejected claim is dependent on a claim that is deemed in condition for allowance. For at least these reasons the claim is allowable.

Claim 68

The Examiner argues that claim 68 is similar in scope to claim 35. Since claim 35 is deemed allowable, and for at least that reason, so is claim 68.

Claim 69

The Examiner argues claim 69 is similar in scope to claim 36. Since claim 36 is deemed allowable, and for at least that reason, so is claim 69.

Claim 94

The references are improperly combined.



It is believed the Examiner meant to cite Filepp, here and not Dworkin. Even if having the customer enter an access code was the same as verifying the identity of the customer, it is not proper to combine these references as Filepp teaches away from AT&T. Filepp teaches a single source of information as at column 6, line 41, whereas AT&T teaches multiple sources. To combine would be to alter the principal of operation and be contrary to the teaching of Filepp.

Further, this claim depends on a claim that is deemed allowable. For at least these reasons this claim is allowable.

#### Claims 95 and 103

The reference does not teach the invention as claimed.

The Examiner is mistaken as to what Filepp discloses. The cited section discloses only that his system "provides information on a wide variety of topics, including, but not limited to news, industry, financial needs...". It does not "provide information about the sale or financing of housing" as Applicant claims.

Further and as previously pointed out, it is not proper to combine these references because Filepp teaches away from AT&T. Filepp teaches a single source of information as at column 6, line 41, whereas AT&T teaches multiple sources. To combine would be to alter the principal of operation.

Also, these claims depend on claims that are deemed allowable. For at least these reasons these claims are allowable.

#### Claim 107

The Examiner argues claim 107 is similar in scope to claim 53. Since claim 53 is deemed allowable, so is claim 107.

*(6). Issue 6, the rejection of Claims 70-76 over AT&T in view of Dworkin and McCalley is unfounded.*

#### Claim 70

This claim was amended in July 2004. As such it appears to have been misinterpreted. It was changed as follows:

In Claim 70, line 4, delete the words "direct said customer to at least one other central communication facility" and replace them with -- enable said customer to select and contact at least one other second central communication facility --.

Use of the limitation "select and contact" is not anticipated by any of the references as documented above.

Further, and as above, the Examiner improperly combines disparate references. Dworkin has one central facility providing product information to multiple customers, whereas AT&T has multiple central facilities providing research information to multiple users. In Dworkin all product information is stored at the sole central facility. In AT&T research information is stored in multiple servers. They are structurally different systems. Combining them would therefore alter their principal of operation and be contrary to Dworkin's teaching that all accessible information should be stored in a single central facility.

For at least these reasons this claim is allowable.

#### Claims 71-76

Each claim is dependent on a claim that is deemed allowable. Therefore, for at least that reason each claim is allowable.

*(7). Issue 7, the rejection of claims 93, 96-98, 101, and 104-106 over AT&T and Dworkin in view of Examiner's Official Notice is unfounded.*

For the reasons discussed fully above, the combination of AT&T and Dworkin is improper. Therefore, the combination of Official Notice with AT&T and Dworkin is improper.

Also, the use of Official Notice itself is highly questionable. According to the MPEP at 2144.03(A)...

While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113. Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well known.

As this application is under final action such a use then of Official Notice should be rare and only when the purported common knowledge is instantly unquestionable. As Applicant's system was

not in existence before the date of his invention it is exceedingly difficult to see how a further modification by each of these dependent claims could be "capable of instant and unquestionable demonstration as being well-known". Applicant maintains such knowledge could not possibly have been so and that Examiner is once again using the Applicant's own disclosure to meet this claim through an improper application of Official Notice. Therefore, this rejection is unfounded.

Further, each claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons each claim is allowable.

*(8). Issue 8, the rejection of claims 108, 110-114 and 139 over Saigh in view of Lockwood is unfounded.*

Claim 108 (independent, similar to Woolston 265)

Saigh is not prior art.

Applicant's claim reciting in part "means for transmitting said digital image and data record to said marketing apparatus" is supported no later than June 1994 as established in the above chart. The Saigh reference filed July 1996 is a child in a chain of earlier applications. The only application in this chain that preceded applicant's above date contains no support for transmitting any product information. The cited figure didn't even exist. As per the Field of the Invention section in his November 1991 specification the product information was retrieved via laser discs, not via network.

For at least that reason, Saigh is therefore not prior art for this claim and it is allowable.

Claim 110

Saigh is not prior art nor does it support the invention as claimed.

In Saigh the cited passage (column 14, lines 21-25) does not support "provide a coupon relating to said goods or services to said customer" as Applicant claims. Permitting users to view "available discounts" does not provide them coupons. Claim 110 is therefore deemed allowable.

Further, as above, the only Saigh specification that predates inventor's disclosure doesn't even contain this "Promotional Delivery System" section found in Saigh's cited specification. Saigh is then not prior art for this claim.

Also, claim 110 depends on claim 108, which is deemed allowable. For at least these reasons, this claim is allowable.

Claim 111

Claim 111 depends on claim 108, which is deemed allowable. Therefore, for at least this reason, claim 111 is allowable.

Claim 112

Saigh is not prior art nor does it support the invention as claimed.

In the Saigh reference neither the figure cited nor anything in his disclosure supports the claimed limitation "wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility". The Examiner is using hindsight to modify the Saigh disclosure.

In fact, in Saigh's only specification that predates applicant's disclosure he fails to teach enabling the user to contact any central facility as all information was retrieved from local laser discs as established above. Saigh is therefore not prior art for this claim.

Further, this claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons claim 112 is allowable.

Claim 113

Saigh is not prior art nor does it support the invention as claimed.

In the Saigh reference the cited passage (column 14, lines 21-25) does not support the invention as claimed- "wherein at least one of said apparatus is configured to contact said customer".

Further, as above the only Saigh specification that predates inventor's disclosure doesn't even contain this "Promotional Delivery System" section found in the Saigh reference.

Therefore, Saigh is not prior art for this claim.

In addition, this claim is dependent on a claim that is deemed allowable.

For at least these reasons claim 113 is allowable.

Claim 114

Saigh is not prior art nor does it support the invention as claimed.

In the Saigh reference the cited passage (column 14, lines 16-25) does not support the invention as claimed- "wherein at least one of said apparatus is configured to initiate contact with said customer".

Further, as above the only Saigh specification that predates inventor's disclosure doesn't even contain this "Promotional Delivery System" section found in the Saigh reference.

Therefore, Saigh is not prior art for this claim.

Further still, this claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons claim 114 is allowable.

Claim 139

Even if this combination of references is motivated and proper, this claim depends on another, which is deemed allowable. Therefore, for at least this reason this claim is allowable.

*(9). Issue 9, the rejection of claim109 over Saigh and Lockwood in view of Ferguson is unfounded.*

Ferguson is not prior art.

Applicant's claim is supported no later than June 1994 as established in the above chart. The earliest possible date for the Ferguson reference is November 1994. Ferguson is therefore not prior art for this claim. For at least that reason the claim is allowable.

*(10). Issue 10, the rejection of claim139 over Saigh in view of Lockwood is unfounded.*

Applicant asserts such a combination is not proper, as at the time of Applicant's invention Saigh was not networked whereas Lockwood was. Modifying either in such a fashion would therefore alter principle of operation.

Further, this claim depends on another, which is deemed allowable. Therefore, for at least these reasons this claim is allowable.

*(11). Issue 11, the rejection of claim 124 over Saigh is unfounded.*

Saigh does not support the invention as claimed and is not prior art.

In the Saigh reference the cited passage (column 14, lines 21-25) only supports permitting users to "access the promotional and commercial information including the dynamic viewing electronically of advertising, available discounts, commercials, special promotional events...". It does not support the invention as claimed- "wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to goods or services to said customer".

Further, Applicant's claim is supported no later than June 1994. The Saigh reference filed July 1996 is a child in a chain of earlier applications. The only application in this chain that preceded applicant's above date doesn't even contain this "Promotional Delivery System" section cited in the Saigh patent. Therefore, Saigh is not prior art for this claim.

Further still, this claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons this claim is allowable.

*(12). Issue 12, the rejection of claim 125 over Gifford in view of Ferguson is unfounded. Ferguson is not prior art.*

As above, applicant's claim is supported no later than June 1994. The earliest possible date for the Ferguson reference is November 1994. Ferguson is therefore not prior art for at least this claim.

Further, this claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons this claim is allowable.

*(13). Issue 13, the rejection of claim 125 over Gifford in view of Lockwood is unfounded.*

Even if this combination of references is proper, this claim depends on another, which is deemed allowable. Therefore, for at least this reason this claim is allowable.

*(14). Issue 14, the rejection of claims 127-129 over Gifford in view of Saigh is unfounded.*

Saigh does not support and is not prior art for the invention as claimed.

#### Claim 127

In the Saigh reference neither the figure (Fig 1) cited nor anything in his disclosure supports the claimed limitation "wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility".

Further, Applicant's claims are supported no later than June 1994 as noted above. The Saigh reference filed July 1996 is a child in a chain of earlier applications. The only application in this chain that preceded applicant's above date does not even contain the drawing cited by the Examiner. Therefore, Saigh is not prior art for this claim.

Also, this claim is dependent on a claim that is deemed allowable. Therefore, for at least

these reasons this claim is allowable.

Claim 128

In the Saigh reference the cited passage (column 24, lines 21-25) does not support the invention as claimed- "wherein at least one of said computerized central communications facilities is configured to contact said customer".

Further, Applicant's claims are supported no later than June 1994 as noted above. The Saigh reference filed July 1996 is a child in a chain of earlier applications. The only application in this chain that preceded applicant's above date does not even contain this "Promotional Delivery System" section cited by the Examiner. Therefore, Saigh is not prior art for this claim.

Also, this claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons this claim is allowable.

Claim 129

In the Saigh reference the cited passage (column 14, lines 16-25) does not support the invention as claimed- "wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer".

Further, Applicant's claims are supported no later than June 1994 as noted above. The Saigh reference filed July 1996 is a child in a chain of earlier applications. The only application in this chain that preceded applicant's above date does not even contain this "Promotional Delivery System" section cited by the Examiner. Therefore, Saigh is not prior art for this claim.

Also, this claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons this claim is allowable.

*(15). Issue 15, the rejection of claims 130-132 and 135-137 over Saigh in view of Kaplan/Intouch is unfounded*

Claim 130

Intouch is not prior art for and Saigh does not teach the invention as claimed.

The Intouch 5,963,916 patent is a continuation in part of an original application filed beginning in 1990. The original application (subsequently issued as pat no. 5,237,157) did not support "interactively previewing the received chosen pre-selected portion of the pre-recorded entertainment product" such as over the Internet. That feature was added to his specification in 10/96. In fact, in his 916 patent Intouch admits in his SUMMARY OF THE INVENTION that

"The present invention provides for an improvement to the '157 patent by integrating a network web site as the source of the pre-recorded products and the controlling software". In the '157 application the samples were stored on CD-ROM disks in the kiosk (see column 4, lines 39-60..."storage on CD ROM discs in the kiosk body 50"; and his Technical Field section "CD-ROM stored audio and video data".) In contrast, support Applicant presented in his July 2004 amendment and in the above support chart comes from parent application number 08/268,309 filed 6/29/94. Therefore, Intouch is not prior art.

Further, the Saigh cited passage "column 7, lines 5-11" does not support "preview a portion of a pre-recorded entertainment product from a network computerized central communications facility ...", as is claimed. It teaches a point of purchase system, but does not support 'previewing from a computerized central communications facility'. As established above the only prior Saigh specification used local storage.

In addition, the cited Saigh passages do not support...

a) "choosing at least one pre-selected portion of the pre-recorded entertainment products from said central computer" (column. 6, lines 4-31). Instead it only teaches permitting a customer to retrieve a list of available titles from the local laser disc as documented above in the analysis of claim 115.

b) "receiving the chosen pre-selected portion of the pre-recorded products" (column. 6, lines 4-31). Instead, it only teaches permitting a customer to retrieve a list of available titles from the local laser disc.

Therefore, claim 130 is for at least these reasons allowable.

#### Claim 131

Saigh does not support and is not prior art for the invention as claimed.

Saigh (column 10, lines 52-61) does not support "allowing the central host server to identify and track the user's progress through the network computerized central communications facility" as claimed.

Further, the Saigh specification that predates Applicant's disclosure does not contain the section relied on by the Examiner. Therefore, Saigh is not valid prior art.

Also, this claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons the claim is allowable.



Claim 132

Saigh does not support and is not prior art for the invention as claimed.

Saigh (column 14, lines 15-25) does not support "wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to said goods or services to said customer" as claimed.

Again, the Saigh specification that predates the Applicant's disclosure does not contain the "Promotional Delivery System" section relied on by the Examiner. Therefore, Saigh is not prior art for this claim.

Also, this claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons the claim is allowable.

Claim 135

Saigh is not prior art for or support the invention as claimed.

Neither the figure cited (Fig 1) in Saigh nor anything in his disclosure, supports the limitation "wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility" claimed herein. Fig 1 merely discloses a transactional network without the specific functionality to "select and contact another". In fact, in his only specification that predates applicant's disclosure, Saigh fails to teach enabling the user to contact any central facility and is therefore not prior art.

Further, the drawing in question does not appear in Saigh's original 1991 application.

Also, this claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons the claim is allowable.

Claim 136

Saigh is not prior art for or support the invention as claimed.

The Saigh cited passage (column 14, lines 15-25) does not support the invention herein claimed "wherein at least one of said computerized central communications facilities is configured to contact said customer". It only teaches the customer contacting the central information bank, not the central facility contacting the customer as here claimed.

Further, as above the Saigh specification which predates the Applicant's disclosure does not contain this "Promotional Delivery System" section. Therefore, Saigh is not valid prior art for this claim.

Also, this claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons the claim is allowable.

Claim 137

Saigh is not prior art for or support the invention as claimed.

The Saigh cited passage (column 14, lines 15-25) does not support the invention as claimed -“wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer”.

Again, as above the only Saigh specification which predates inventor's disclosure does not contain this “Promotional Delivery System” section. Therefore, Saigh is not prior art for this claim.

Also, this claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons the claim is allowable.

*(16). Issue 16, the rejection of claim133 over Saigh and Intouch in view of Ferguson is unfounded.*

Ferguson is not prior art for the invention as claimed.

Applicant's claim is supported no later than June 1994, as above. The earliest possible date for the Ferguson reference is November 1994. Ferguson is therefore not prior art for this claim.

Also, this claim is dependent on a claim that is deemed allowable. Therefore, for at least these reasons the claim is allowable.

*(17). Issue 17, the rejection of claim134 over Saigh and Intouch in view of Lockwood is unfounded.*

Even if this combination of references is motivated and proper (We do not believe it is as only Lockwood provides information via a network while Saigh and Intouch do so on local storage. These references are therefore incompatible.), this claim depends on another which is allowable. Therefore, for at least this reason this claim is allowable.

*(18). Issue 18, the rejection of claim138 over Saigh in view of Ferguson is unfounded.*

Ferguson is not prior art for this claim.

Ferguson's earliest date is November 1994. In contrast, support Applicant presents above for all claims (including this limitation: "wherein said computerized central communications facility provides auctioning services including receipt of auction bids placed by customers") came from parent application number 08/268,309 filed 6/29/94. Ferguson is therefore not prior art. Hence, for at least these reasons the claim is allowable.

*(19). Issue 19, the double patenting rejection of claim 30 over Wren in view of AT&T and Dworkin is improper.*

This application is a sibling of the Wren 514 patent (copending). Both are children of the same parent application (Ser. No.08/268,309, filed June 29, 1994) and therefore this application is not subject to the Wren 514 patent other than for claiming the same subject matter.

Each of the claims cited for double patenting by the Examiner differ distinctly from the claims of the 514 patent. For example...

Claim 30 of the instant application is not the same as claim 1 of its related 514 patent. It includes the following limitation not found in the 514 patent claim...

"wherein at least one of said computerized central communications facilities is adapted to provide to said customer at said computerized remote facility a list of computerized central communications facilities permitting said customer to select and contact at least one other computerized central communications facility".

Consequently, claim 30 is patentably distinct and therefore patentable over its copending 514.

*(20). Issue 20, the double patenting rejection of claims 108-114 and 130-143 over Wren in view of Saigh, Ferguson, Intouch and Lockwood is improper.*

Applicant's instant application shares the same priority date of his earlier 514 patent. Further, these claims are all patentably distinct from all claims in his 514 patent. For at least these reasons, double patenting does not apply and the claims should not be subject to any such restriction.

Specifically...

Claim 108 of the instant application is not the same as claim 1 of its copending Wren 514 patent. For example, claim 108 includes the limitation not found in the 514 patent claim of:

“said processor receiving an identification code from said distant communications apparatus”

Claim 108 is then patentably distinct and therefore patentable over its copending Wren 514 patent. Likewise, as it is not subject to double patenting restrictions its dependent claims 109-114 should not be.

Claim 130 of the instant application is not the same as claim 1 of its copending Wren 514 patent. For example, claim 130 includes a limitation not found in the 514 patent claim of:

“enabling a remote user to preview a portion of a pre-recorded entertainment product from a network computerized central communications facility ”

Claim 130 is then patentably distinct and therefore patentable over its copending Wren 514 patent. Likewise, as it is not subject to double patenting restrictions its dependent claims 131-137 should not be.

Claim 138 of the instant application is not the same as claim 1 of its copending Wren 514 patent. For example, claim 138 includes a limitation not found in the 514 patent claim of:

“wherein said computerized central communications facility provides auctioning services including receipt of auction bids placed by customers ”

Claim 138 is therefore patentably distinct and therefore patentable over its copending Wren 514 patent.

Claim 139 is dependent on claim 115 which is deemed not subject to double patenting, therefore double patenting does not apply to claim 139.

Claim 140 of the instant application is not the same as claim 1 of its copending Wren 514 patent. For example, claim 140 includes a limitation not found in the 514 patent claim of:

“wherein at least one of said computerized central communications facilities is adapted to provide said customer information regarding entertainment rentals”

Claim 140 is then patentably distinct and therefore patentable over its copending Wren 514 patent. Likewise, as it is not subject to double patenting restrictions its dependent claims 141-143 should not be.

In conclusion, this application is copending with and therefore shares the same priority date as the Wren 514 patent. The inventions claimed herein are all patentably distinct from those in the 514 patent. Double patenting is therefore not an issue.

### **Examiner's response to arguments**

All Examiner's assertions and arguments are responded to in Applicant's claim-by-claim arguments above.

### **Response to 28 Jun 2006 Notice of Non-Compliant Appeal Brief**

Applicant responds to Examiner's Notice by item as follows:

1. On page 2, Item (3) status of claims is incorrect.

To clarify, Applicant did not withdraw claims 117-120. Rather, Applicant was required under 35 USC 121 to elect a single species to prosecute and thereby elected claim 116. Applicant intends to prosecute Non-elected claims 117-120 at a later date once generic claim 115 is allowed.

2. On page 2, item (5) Summary of Claimed Subject Matter

Applicant has herein modified the claim support chart in section 5 to include cites for both the instant application and the '309 application, which was incorporated into the instant application by reference. Applicant relies on the '309 application priority date for each claim.

3. On page 12, claims 116-122

As above, claims 116 and 121-122 are rejected and appealed. Claims 117-120 are Non-elected.

4. On page 25, Webster's cite

Applicant herein appends to this brief a copy of the cited material as Appendix A.

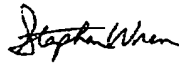
5. On page 53, item (8)

As above, claims 116 and 121-122 are rejected and appealed. Claims 117-120 are Non-elected.

**Summary**

Applicant therefore respectfully requests entry of the after final amendment -wherein only dependent claims were amended- and allowance of all claims in response to the arguments presented herein.

Respectfully submitted,



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### **(8) Claims appendix**

The following claims are pending and on appeal unless otherwise noted.

1-29. Cancelled

30. An apparatus to market and/or sell goods and/or services over an electronic network comprising:

a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, each of said first or other computerized central communications facilities having information relating to goods or services stored in a database, and each of said first or other computerized central communications facilities having a processor programmed to:

receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database at said first or other computerized central communications facility for information of interest;

enable said customer to at least one of search, browse and access said database for information of interest; and

transmit said information of interest from the database at said computerized central communications facility to said computerized remote communications facility;

wherein at least one of said computerized central communications facilities is adapted to provide to said customer at said computerized remote facility a list of computerized central communications facilities permitting said customer to select and contact at least one other computerized central communications facility to request additional information relating to said goods or services.

31. The apparatus of claim 30, wherein said computerized central communications facility is further programmed to facilitate a transaction between said computerized central communications facility and said computerized remote communications facility.

32. The apparatus of claim 30, wherein at least one of said computerized central communications facilities is further programmed to contact the customer and apprise said customer of goods or services offered or any special offerings.

33. The apparatus of claim 30, wherein said computerized central communications facility and each of said other computerized central communications facilities are associated with competing providers of goods or services.

34. The apparatus of claim 30, wherein at least one of said computerized central communications facility and said other computerized central communications facilities further includes an audio communication device for communication with said computerized remote communications facility.

35. The apparatus of claim 30, wherein said computerized central communications facility and at least one of said other computerized central communications facilities is further adapted to provide information relating to goods or services in the form of an audio or video presentation.

36. The apparatus of claim 35, wherein said apparatus further comprises means for recording a presentation stopping point for future reference.

37. Cancelled



38. The apparatus of claim 30, wherein said processor is further programmed to compile a customer profile based on the customer's search of the database and to provide targeted advertising based on said customer profile.

39. The apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to present information of interest to said customer.

40. The apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable the customer to communicate with said central communications facility.

41. The apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable said customer to conduct a transaction using the information provided by said computerized central communications facility relating to goods or services.

42. The apparatus of claim 30, wherein said processor is further programmed to provide an interactive presentation relating to goods or services.

43. The apparatus of claim 42, wherein said interactive presentation includes an audio presentation in the form of a computerized voice.

44. An apparatus for marketing at least one of goods or services, comprising:

a first central communications facility having a first database of information relating to goods or services to provide to a customer at a computerized remote facility upon request, said first central communications facility adapted to enable said customer to select and contact a second central communications facility having a database of information relating to a second set of information relating to goods or services to provide upon request; and

a communication device to enable said first central communications facility to communicate with said remote facility, said communication including transmitting said first set of information from said first central communications facility to said remote facility.

45. The apparatus of claim 44, further comprising means enabling said central communications facility or said other central communications facilities to conduct a transaction with said remote communications facility.

46. Cancelled

47. The apparatus of claim 44, wherein said central communications facility or at least one of the other central communications facilities further provides a directory of providers of goods or services.

48. The apparatus of claim 44, wherein said information relating to goods or services is an audio or a video presentation.

49. The apparatus of claim 48, wherein said audio presentation is adapted to have the form of a computerized voice.

50. The apparatus of claim 44, wherein said central communications facility is further adapted to provide live customer assistance upon request.

51. The apparatus of claim 44, wherein said apparatus further comprises means for recording a presentation stopping point for future reference.

52. The apparatus of claim 44, wherein said goods or services include financial services.

53. The apparatus of claim 44, wherein said goods or services include auctioning services.

54. The apparatus of claim 44, further comprising a software application for assisting the central communications facility to download a contract to the computerized remote location.

55-56. Cancelled

57. The apparatus of claim 44, further comprising a software application adapted to assist the customer to download information relating to goods or services from said central communications facility.

58. The apparatus of claim 44, further comprising means for downloading software from the central communications facility to the computerized remote facility.

59. A method for electronically transacting goods or services between a customer at a remote location and a plurality of providers of goods or services comprising:

providing a first database associated with a first provider of goods or services and containing information relating to goods or services, said first database adapted to direct the customer at a remote location to a second database associated with a second provider of goods or services and containing information relating to goods or services; and

enabling a remote facility to browse each of said first or second databases for information relating to goods or services.

60. The method of claim 59, further comprising establishing communication with a third database containing information relating to goods or services.

61. The method of claim 59, further comprising downloading a software application to said remote facility, said software application adapted to present additional information relating to goods or services to the customer.

62. The method of claim 59, further comprising downloading a software application to the remote facility, said software application adapted to assist said customer in conducting a transaction using said first or said second database.

63. The method of claim 59, further comprising downloading a software application to the remote facility, said software application adapted to assist the customer to communicate with said first or said second database.

64. The method of claim 59, further comprising periodically updating each of said first and said second database.

65-66. Cancelled

67. The method of claim 59, further comprising providing live assistance to said remote facility to assist browsing said first or said second database.

68. The method of claim 59, further comprising providing an audio- visual presentation relating to said goods or services.

69. The method of claim 68, wherein said audio-visual presentation has the form of computerized voice.

70. Apparatus for marketing goods or services, comprising:

a central communications facility to provide information relating to goods or services to a customer at a computerized remote facility, said central communications facility adapted to enable said customer to select and contact at least one other central communications facility providing information relating to goods or services;

a first communication device associated with said central communications facility for providing live communication between the central communications facility and said computerized remote facility;

a second communication device associated with said central communications facility for providing a second simultaneous communication between said central communications facility and said computerized remote facility; and

a database of information relating to goods or services accessible by said customer at said remote facility.

71. The apparatus of claim 70, wherein said database of information relating to goods or services includes a directory of providers of goods or services.

72. The apparatus of claim 70, wherein said live assistance is interactive.

73. The apparatus of claim 70, wherein said central communications device is adapted to download a software application to said computerized remote facility.

74. The apparatus of claim 73, wherein said software application is adapted to provide additional information relating to goods or services

75. The apparatus of claim 73, wherein said software application is adapted to enable said computerized remote facility to communicate with said central communications facility.

76. The apparatus of claim 73, wherein said software application is adapted to enable said computerized remote facility to facilitate a transaction using the information provided by said central communications facility.

77. The apparatus of claim 30, wherein said computerized central communications facility is further programmed to provide said customer with live assistance upon request.

78. The apparatus of claim 44, wherein said first central communications facility is further adapted to provide live customer assistance upon request.

79. The apparatus of claim 44, wherein said first central communications facility further enables said customer to browse said first set of information relating to goods and service.

80. The apparatus of claim 44, wherein said second central communications facility enables said customer to browse said second set of information relating to goods or services.

81. The method of claim 59, further comprising enabling the remote facility to search said first database or said second database.

82. An apparatus for providing information relating to goods and services comprising:  
a first computerized central communications facility of a first provider linked to a plurality of other computerized central communications facilities providing information relating to goods and services, at least one of said plurality of other computerized central communications facilities associated with a second provider, and to a computerized remote facility adapted to have access to said plurality of other computerized central communications facilities;

wherein at least one of said computerized central communications facilities is adapted to provide information to enable said remote facility to select and contact another one of said computerized central communications facilities.

83. The apparatus of claim 82, wherein each of the plurality of central communications facilities is connected to a first central communications facility.

84. The apparatus of claim 82, wherein each of said plurality of central communications facilities is linked to at least one other central communications facility.

85. The apparatus of claim 82, wherein each of said central communications facilities is further adapted to provide information relating to at least one of goods or services.

86. The apparatus of claim 82, wherein at least one of said central communications facilities is adapted to provide live assistance to said remote facility.

87. An apparatus for marketing goods and services, comprising:

a central communications facility adapted to provide a set of information relating to goods or services to a customer at a computerized remote facility, said central communications facility further adapted to be accessible to said customer through information provided by at least one other central communications facility; and

a communication device to enable said central communications facility to communicate with said remote facility, said communication including transmitting said set of information to said customer at said remote facility.

88. An apparatus to market goods or services over an electronic network, comprising:

a first computerized central communications facility of a first provider linked to a second computerized central communications facility of a second provider and to a remote facility of a

customer, said first computerized central communications facility having information relating to goods or services stored in a database, and a processor programmed to:

receive from said customer a request to at least one of search, browse and access said database for information of interest;

enable said customer to at least one of search, browse and access said database for information of interest;

transmit said information of interest from said database to said computerized remote communications facility;

direct said customer to said second computerized central communications facility, said second computerized central communications facility having information relating to goods or services stored in a database; and

periodically update said database in said first or second computerized central communications facility.

89. A first computerized central communications facility linked to a plurality of other computerized central communications facilities, said first computerized central communications facility comprising:

a database of information relating to goods or services;

a communication device for communicating with a customer at a remote facility; and

a processor programmed to:

receive from said customer a request to search, browse or access said database,



enable said customer to at least one of search, browse or access said database for information of interest,

communicate said information of interest to said customer,

direct said customer to one of said other computerized central communications facilities that has information relating to goods or services in competition with at least one of said first computerized central communications facility or said other computerized central communications facilities.

90. A first computerized central communications facility linked to a plurality of other computerized central communications facilities, at least one of said other computerized central communications facilities providing information relating to goods or services in competition with said first computerized central communications facility, said first computerized central communications facility comprising:

a database of information relating to goods or services;

a communication device for communicating with a customer at a computerized remote facility; and

a processor programmed to:

receive from said customer a request for information relating to goods or services,

enable said customer to at least one of search, browse or access said database for information relating to said goods or services, and

communicate said information relating to said goods or services to said customer;

wherein said customer at said computerized remote facility can access information at said first computerized central communications facility and at said at least one other competing computerized central communications facility by using software downloaded from said first computerized central communications facility or from at least one other computerized central communications facility.

91. The apparatus of claim 82, wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer.

92. The apparatus of claim 82, wherein at least one of said computerized central communications facilities is configured to contact said customer and apprise said customer of goods or services offered or any special offerings.

93. The apparatus of claim 82, wherein at least one of said computerized central communications facilities is configured to provide employee recruiting information.

94. The apparatus of claim 82, wherein at least one of said computerized central communications facilities is configured to verify the identity of said customer.

95. The apparatus of claim 82, wherein at least one of said computerized central communications facilities is configured to provide information about the sale or financing of housing.

96. The apparatus of claim 82, wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to said goods or services to said customer.

97. The apparatus of claim 82, wherein at least one of said computerized central communications facilities is configured to provide a discount relating to said goods or services to said customer.

98. The apparatus of claim 82, wherein at least one of said computerized central communications facilities is configured to charge said customer a fee to obtain access to said information relating to goods or services.

99. The apparatus of claim 87, wherein at least one of said central communications facilities is configured to initiate contact with said customer.

100. The apparatus of claim 87, wherein at least one of said central communications facilities is configured to contact said customer and apprise said customer of goods or services offered or any special offerings.

101. The apparatus of claim 87, wherein at least one of said central communications facilities is configured to provide employee recruiting information.

102. The apparatus of claim 87, wherein at least one of said central communications facilities is configured to verify the identity of said customer.

103. The apparatus of claim 87, wherein at least one of said central communications facilities is configured to provide information about the sale or financing of housing.

104. The apparatus of claim 87, wherein at least one of said central communications facilities is configured to provide a coupon relating to said goods or services to said customer.

105. The apparatus of claim 87, wherein at least one of said central communications facilities is configured to provide a discount relating to said goods or services to said customer.

106. The apparatus of claim 87, wherein at least one of said central communications facilities is configured to charge said customer a fee to obtain access to said information relating to goods or services.

107. The apparatus of claim 87, wherein at least one of said central communications facilities is configured provide auctioning services.

108. A marketing apparatus for use with a distant communications apparatus including means for storing a digital image and a data record of a good for sale within said distant communications apparatus and a means for transmitting said digital image and data record to said marketing apparatus; said marketing apparatus comprising:

a communication means for communicating with said distant communications apparatus;

a processor operably connected to said communications means, said processor receiving the data record of a good for sale from said distant communications apparatus, said processor receiving an identification code from said distant communications apparatus;

a storage device operably connected to said processor, said storage device adapted to receive said data record of a good for sale, said data record containing an image of said good for sale and a written description of said good for sale;

presentation software operably connected to said storage device and a communications link, said presentation software providing , via said communications link, and interface to said marketing apparatus for a customer, thereby giving the customer access to said data record written description and said image of said good for sale;

a transaction processor operably connected to said communications link and said storage device, said transaction processor adapted to enable customer to tender payment, and to approve said payment means; and

a transaction record means operably connected to said transaction processor, said transaction record means transmitting to said customer in response to said purchase request a record of said transaction.

109. The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to provide auctioning services.

110. The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to provide a coupon relating to said goods or services to said customer.

111. The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to provide information about the sale or financing of vehicles.

112. The marketing apparatus of claim 108 wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility.

113. The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to contact said customer and apprise said customer of goods or services offered or any special offerings.

114. The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to initiate contact with said customer.

115. An apparatus to market and/or sell goods or services over an electronic network comprising:

a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, each of said first or other computerized central communications facilities having information relating to goods or services stored in a database, and each of said first or other computerized central communications facilities having a processor programmed to:

receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database at said first or other computerized central communications facility for information of interest;

enable said customer to at least one of search, browse and access said database for information of interest; and

transmit said information of interest from the database at said computerized central communications facility to said computerized remote communications facility;

wherein at least one of said computerized central communications facilities is adapted to provide said customer information regarding rentals.

116. The apparatus of claim 115 wherein said rentals are entertainment products.

117. (Non-elected) The apparatus of claim 115 wherein the products are movies.

118. (Non-elected) The apparatus of claim 115 wherein the products are recorded performances.

119. (Non-elected) The apparatus of claim 115 wherein the products are games.

120. (Non-elected) The apparatus of claim 115 wherein the products are music.

121. The apparatus of claim 115 wherein at least one of said computerized central

communications facilities is adapted to enable said customer to print said information.

122. The apparatus of claim 115 wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility.

123. A method for running application software in a computer network environment, comprising:

providing at least one computerized remote communications facility and at least one computerized central communications facility coupled to said network environment, wherein said network environment is a hypermedia transmitted environment;

executing, at said computerized remote communications facility, browsing application software that processes a first transmitted hypermedia document to identify visual and/or audio information in said hypermedia document caused to be transmitted from said computerized central communications facility for a customer at said computerized remote communications facility;

utilizing said browsing application software to display, on a monitor at said computerized remote communications facility, at least a portion of a first transmitted hypermedia document received over said network from said computerized central communications facility, wherein a portion of said first hypermedia document is displayed within a first browsing application software window on said monitor at said computerized remote communications facility, wherein said computerized remote communications facility has downloaded application software from at least one of said computerized central communications facilities in a current or past session, wherein said browsing application software is operational to process information

contained in said hypermedia document, and wherein said downloaded application software is operational to translate information contained in said transmitted hypermedia document in order to display in said first browsing application software window or otherwise reproduce said information at a computer for said customer at said computerized remote communications facility.

124. The method of claim 123 wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to goods or services to said customer.

125. The method of claim 123 wherein at least one of said computerized central communications facilities is configured to provide auctioning services.

126. The method of claim 123 wherein at least one of said computerized central communications facilities is configured to provide information about the sale or financing of vehicles.

127. The method of claim 123 wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility.

128. The method of claim 123 wherein at least one of said computerized central communications facilities is configured to contact said customer and apprise said customer of goods or services offered or any special offerings.

129. The method of claim 123 wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer.

130. A method for enabling a remote user to preview a portion of a pre-recorded



entertainment product from a network computerized central communications facility containing pre-selected portions of different pre-recorded entertainment products, using a computer, a computer display and a telecommunications link between the remote user's computer and the network computerized central communications facility, the method comprising the steps of:

- a) using the remote user's computer to establish a telecommunications link to the network computerized central communications facility wherein the network computerized central communications facility comprises (i) a central computer coupled to a communications network for retrieving and transmitting the pre-selected portion of the pre-recorded entertainment product upon request by a remote user and (ii) a central storage device for storing pre-selected portions of a plurality of different pre-recorded entertainment products;
- b) choosing at least one pre-selected portion of the pre-recorded entertainment products from said central computer;
- c) receiving the chosen pre-selected portion of the pre-recorded products; and
- d) interactively previewing the received chosen pre-selected portion of the pre-recorded entertainment product.

131. The method of claim 130 wherein the method further comprises the step of transmitting user identification data from the remote user's computer to the central host server thereby allowing the central host server to identify and track the user's progress through the network computerized central communications facility.

132. The method of claim 130 wherein said network comprises multiple computerized central communications facilities and wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to said goods or services to

said customer.

133. The method of claim 130 wherein said network comprises multiple computerized central communications facilities and wherein at least one of said computerized central communications facilities is configured to provide auctioning services.

134. The method of claim 130 wherein said network comprises multiple computerized central communications facilities and wherein at least one of said computerized central communications facilities is configured to provide information about the sale or financing of vehicles.

135. The method of claim 130 wherein said network comprises multiple computerized central communications facilities and wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility.

136. The method of claim 130 wherein said network comprises multiple computerized central communications facilities and wherein at least one of said computerized central communications facilities is configured to contact said customer and apprise said customer of goods or services offered or any special offerings.

137. The method of claim 130 wherein said network comprises multiple computerized central communications facilities and wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer.

138. An apparatus for marketing goods and/or services, comprising:

a computerized central communications facility providing information relating to goods and/or services to customers at a plurality of computerized remote facilities, each of said

plurality of computerized remote facilities remote from and linked to said computerized central communications facility; and

a database of information relating to said goods and/or services accessible to customers at said plurality of computerized remote facilities;

wherein said computerized central communications facility provides auctioning services including receipt of auction bids placed by customers from said plurality of computerized remote facilities.

139. The apparatus of claim 115 wherein said rentals are travel rentals.

140. An apparatus to market and/or sell goods or services over an electronic network comprising:

a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, each of said first or other computerized central communications facilities having information relating to goods or services stored in a database, and each of said first or other computerized central communications facilities having a processor programmed to:

receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database at said first or other computerized central communications facility for information of interest;

enable said customer to at least one of search, browse and access said database for information of interest; and

transmit said information of interest from the database at said computerized central communications facility to said computerized remote communications facility;

wherein at least one of said computerized central communications facilities is adapted to provide said customer information regarding entertainment rentals.

141. The apparatus of claim 140 wherein said rentals are movie rentals.

142. The apparatus of claim 140 wherein at least one of said computerized central communications facilities is adapted to enable said customer to print said information.

143. The apparatus of claim 140 wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility.

**(9) Evidence Appendix**

None.

**(10) Related Proceedings Appendix**

None.

Appendix A (page 1)

THE  
NEW LEXICON  
WEBSTER'S  
DICTIONARY  
OF THE ENGLISH LANGUAGE

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**Appendix A (page 2)**

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